

REMARKS

The application has been amended and is believed to be in condition for allowance.

The indication that claim 13 would be allowed if amended into independent form and further amended to overcome the rejection under 35 USC 112, second paragraph is acknowledged with thanks. The further indication that claims 14-17 would also be allowed as being dependent from allowable claim 13 is also gratefully acknowledged.

Amendments to the Disclosure

Claims 2, 7, 8, and 29 are canceled, without prejudice.

Claims 1, 3-6, 9-11, 13-15, 19-20, 23-24, and 28 are amended.

Claim 1 is amended to recite the cooperation between the crash bar and the bolt operating member in a more structural manner consistent with U.S. practice and preferences. Claim 1 is further amended to recite an abutment configured to cooperate with a stop portion carried by member of profiled section of the crash bar, and also a maneuvering portion of the member of profiled section rigidly incorporated into said member of profiled section.

Claim 1 is also amended to recite the bolt operating member as a distinct element from the fixed part, and also to clarify the structure of the crash bar as comprising a member of profiled section.

The amendments to claim 1 find support at least in the specification at page 8, lines 8-15 and 23-34; page 9, lines 14-17; page 10, lines 17-21; page 10 line 27 to page 11 line 9; page 12, lines 1-6; Figures 1, 2, and 5.

Dependent claims 3-6, 9-11, and 28 are amended to be in agreement with the use of member of profiled section as recited in claim 1.

Dependent claims 19-20 and 23-24 are amended to clarify the recitation of the transverse or longitudinal planes as being with respect to the panic bar of the invention.

New claims 30 and 31 recite alternate embodiments of the stop portion and abutment (see, e.g., specification page 4, lines 20-26; Figures 1 and 5). New claim 32 further recites the maneuvering portion recited in claim 1 (see, e.g., page 8, lines 8-15; page 10, lines 14-17; Figures 1-2, 5).

The claims are further amended to address formal issues with respect to style and structure in consideration of U.S. practice and preferences.

Based at least on the foregoing, it is respectfully submitted that the foregoing amendments are proper and do not introduce new matter.

Formal Matters - Objections to the Claims

The Official Action objected to claims 2 and 6-8 due to various informalities.

In response, claim 2 and 7-8 are canceled as indicated above, and claim 6 is amended in a manner believed to overcome the Official Action's objection. Particularly to claim 6, it is respectfully submitted that the recitation of one abutment and one stop member is supported in the specification and drawing figures originally filed. An embodiment of the invention as disclosed may include more than one of either or both the abutment and/or stop member. However, one of skill would readily understand alternatives to perform a function of restraining the motion of the panic bar opposite the stop member and abutment. It is therefore respectfully submitted that this recitation and similar in claim 1 is proper.

Withdrawal of the objections to the claims is thereby respectfully requested.

Formal Matters - Section 112, second paragraph

The Official Action rejected claims 1-29 under 35 USC 112, second paragraph. In particular, the Official Action objects to claims 1 and 19 stating that it is unclear if the invention requires a bolt, and how the crash bar is capable of moving the bolt operating member.

In response, it is firstly noted that claim 19 is canceled as indicated above, and claim 1 is amended. Claim 1 is believed to be definite in accordance with Section 112, second paragraph.

Claim 1 does not recite a bolt. The invention recites a mechanism that may operate upon a bolt, but a bolt is not required in the claimed assembly in order to be made and used by one skilled in the art, and is therefore not recited. The invention may be adapted to cooperate with a bolt already being present on the door, for example, wherein the bolt operating member would move a follower or spindle present in the width of the door that was previously moved by a conventional lever handle that has been discarded.

As to the recitation of a crash bar and the bolt operating member, it is respectfully submitted that the recitation of this feature is definite as recited. Claim 1 recites a bolt operating member and a crash bar, wherein said crash bar is configured to activate said bolt operating member in a working position. It is respectfully submitted that this recitation particularly points out and expressly claims the subject matter which the Applicant regards as his invention.

The cooperating structure of the crash bar and bolt operating member finds support in the specification at least at page 9, lines 1-3 and Figure 1, disclosing a connection between the crash bar 4 and the bolt operating member 5, such as a physical link shown diagrammatically by the line at 45.

The specification discloses that the connection may be of any appropriate means known in the art. For example, in the French language version of the PCT parent to the present

application, the word "bielle" is used to describe the link between the crash bar 4 and the bolt operating member 5, which can also be translated as "crank" or "connecting rod" or "spindle". On page 10 line 35 to page 11 line 9, the specification discloses another embodiment wherein a transfer member 145 formed by an arm connecting a bolt operating member to the crash bar.

It is therefore respectfully submitted that claim 1 is definite and particularly points out and distinctly claims a bolt operating member and a crash bar configured to activate said bolt operating member.

Withdrawal of the rejections under 35 USC 112, second paragraph is thereby respectfully solicited.

Substantive Issues - Section 102 and 103

The Official Action rejected claims 1-2, 4-6, 11-12, and 19-29 under 35 USC 102(b) as being anticipated by Hall et al. (US 4,312,528; "HALL").

The Official Action rejected claims 3, 10, and 18 under 35 USC 103(a) as being unpatentable over HALL.

The Official Action rejected claim 26 under 35 USC 103(a) as being unpatentable over HALL in view of Hasenfuss (US 2,104,618; "HASENFUSS").

The rejections are respectfully traversed for at least the reasons that follow.

It is firstly noted that claim 1 is amended. It is respectfully submitted that HALL fails to teach a crash bar comprising a member of profiled section, said profiled member comprising a maneuvering portion rigidly incorporated into said member of profiled section.

On the contrary, the mechanism disclosed by HALL does not include a crash bar comprising a member of profiled section, as recited by claim 1.

Further, HALL teaches a hinged connection between arcuate parts 43, 44 shrouded by an elongate cover 48 (column 3, lines 51-55). The cover 48, configured to receive the operative pressure from the user (column 3, lines 56-60), is pivotally mounted with respect to each of the connecting plates 33, 34 so that it follows a movement of translation relative to the door as a result of the pivot mount or hinge at 49.

Hence, HALL fails to recite either of a member of profiled section or a maneuvering portion rigidly incorporated into the member of profiled section. The elongate cover 48 pivots with respect to the arcuate parts 43, 44 and therefore is not rigidly incorporated with anything. Further, it is clear that the elongate cover 48, connected to the ends of the arcuate parts 43, 44, does not anticipate a maneuvering portion having a lever arm relative to the pivoting axis smaller than a lever arm of a stop portion relative to the pivoting axis.

Accordingly, it is respectfully submitted that HALL does not anticipate claim 1 as presented.

It is also respectfully submitted that claims depending from claim 1, including new claims 30-32, are patentable at least for depending from a patentable parent claim.

It is further respectfully submitted, with respect to HASENFASS, that HASENFASS fails to teach a crash bar (4; 104) comprising a member of profiled section mounted on said fixed part (3; 103) to pivot about a longitudinal axis. On the contrary, it is respectfully submitted that the maneuvering portion 16 of HASENFASS, configured to pivot at 17, pivots about an axis that is transversal, not longitudinal (see Figure 1, where the axis of rotation through 17 is vertical with respect to the horizontal bar 16).

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicant has fully responded to the November 27, 2009 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicant at the number set forth below if the Examiner is of the opinion that

further discussion of this case would be helpful in advancing prosecution.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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